

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**TIM REICHHART,**  
824 Sunset Drive  
Coldwater, Ohio 45828

Plaintiff,

V.

MONARCH RECOVERY  
MANAGEMENT, INC.  
c/o CT Corporation System  
1300 East Ninth Street  
Cleveland, Ohio 44114,

Defendant.

) Case No: 3:13-cv-317  
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) JURY DEMAND REQUESTED  
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) **CIVIL COMPLAINT**  
) **(Unlawful Debt Collection Practices)**  
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## VERIFIED COMPLAINT

PLAINTIFF Tim Reichart (Plaintiff), by his attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT Monarch Recovery Management, Inc, (Defendant):

# INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

## **PARTIES**

5. Plaintiff is a natural person who resides in Coldwater, Mercer County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Pennsylvania corporation and a debt collector with an office in Philadelphia, Pennsylvania.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

## **FACTUAL ALLEGATIONS**

10. As part of a continuing violation of harassing telephone calls, Defendant, starting in 2011, from its phone number of 800.503.3852, made at least weekly and often daily telephone calls including sometimes multiple times in the same day, to Plaintiff at his phone number, 419.852.1958, seeking contact related to collection of an alleged consumer.

11. During several direct conversations occurring prior to February 24, 2012, Plaintiff advised that he was disabled with cancer, unable to pay, and requested that Defendant cease calling or otherwise contacting with him.
12. Despite Plaintiff's requests that Defendant discontinue calls to his home and other communications, Defendant continues to place call and attempt communication with Plaintiff regarding the alleged debt that continued through February 24, 2012.
13. Defendant's ongoing calls and communications have been excessive and were made with the intent to harass and annoy Plaintiff as the recipient.

## **COUNT I**

### **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

14. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
  - b. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff, Tim Reichhart, respectfully requests judgment be entered against Defendant, for the following:

15. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, Tim Reichhart, requests a jury trial in this case.

Respectfully submitted,

**KAHN & ASSOCIATES, LLC**

*/s/ J. Daniel Scharville*

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**J. DANIEL SCHARVILLE (0071132)**

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Attorney for Plaintiff

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF OHIO

Plaintiff, Tim Reichhart, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, Tim Reichhart, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

3-1-2012

Date

Timothy Reichhart

Tim Reichhart